

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

175 CROSSWAYS LLC ET AL,

Plaintiffs,

-against-

**OVERSEAS MILITARY SALES CORP ET
AL,**

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 6/15/23

23-cv-04628 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

On April 13, 2023, Plaintiffs 175 Crossways LLC (“175 Crossways”) and Seneca Insurance Company (“Seneca”) filed their complaint in the Supreme Court of the State of the New York for New York County against Defendants Hartford Casualty Insurance Company (“Hartford”) and Overseas Military Sales Corp (“Overseas”). *See* Compl., ECF No. 1-1. On June 1, 2023, Defendant Hartford filed a notice of removal in the above-captioned matter. *See* Notice of Removal, ECF No. 1. Hartford argues that the basis for removal is 28 U.S.C § 1441, which generally authorizes removal of actions over which the district courts of the United States have original jurisdiction. *Id.* ¶ 10 (citing 28 U.S.C § 1441(a)). Hartford explains that this Court has original jurisdiction over this case pursuant to 28 U.S.C § 1332, which states “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” *Id.* ¶ 11 (quoting 28 U.S.C. § 1332(a)(1)).

A defendant may remove a civil action from state to federal court where the district court has original jurisdiction, except under the “forum defendant rule,” which prohibits removal where any properly joined and served defendant is a citizen of the state in which the action was initially brought. *See* 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of

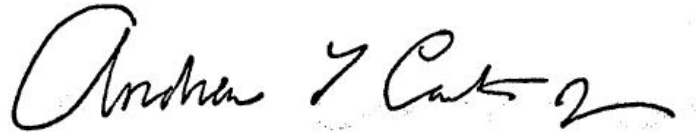
[diversity] jurisdiction . . . may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”). Defendant Overseas Military Sales Corp (“Overseas”) is a foreign corporation with its principal place of business in Woodbury, New York.

The parties are hereby **ORDERED** to file letters addressing whether the Court has jurisdiction over this matter and whether the forum defendant rule bars removal of this matter on or by **June 30, 2023**.

To date, the only party to appear is Defendant Hartford. Defendant Hartford is hereby **ORDERED** to serve this order on Plaintiffs and Defendant Overseas on or by **June 19, 2023**, and to file proof of service by **June 20, 2023**.

SO ORDERED.

Dated: June 15, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge